



Adopted in House Comm. on Mar 10, 2005

09400HB0002ham001

LRB094 03433 MKM 41546 a

1 AMENDMENT TO HOUSE BILL 2

2 AMENDMENT NO. _____. Amend House Bill 2 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by adding
5 Section 21-81 as follows:

6 (35 ILCS 200/21-81 new)

7 Sec. 21-81. Liability for waste.

8 (a) If a county or municipality acquires an interest in
9 property by any method to which Section 21-95 applies, then
10 that county or municipality may petition the circuit court for
11 a determination of the following:

12 (1) that waste was committed or suffered on the
13 property on or after the date that a notice was received by
14 the proper party under subsection (c) but on or before the
15 expiration of the period of redemption; and

16 (2) the extent to which the fair market value of the
17 property has been diminished by the waste.

18 (b) If the court determines that, on or after the date that
19 notice was received by the proper party under subsection (c)
20 but on or before the expiration of the period of redemption:

21 (i) waste was committed or suffered on the property; and (ii)
22 the fair market value of the property was diminished, then each
23 person whose acts or omissions caused the waste is jointly and
24 severally liable to the county or municipality for the entire

1 amount of any delinquent taxes owed on the property and the
2 amount of the diminishment of the fair market value of the
3 property. These amounts received by the county or municipality
4 shall be distributed proportionally to each taxing district
5 based upon the proportion of taxes owed to that taxing
6 district. In addition, the county or municipality shall be
7 awarded its costs and reasonable attorneys' fees and litigation
8 expenses.

9 (c) If an interest in property is acquired by a county or
10 municipality by any method to which Section 21-95 applies, then
11 the governing body of that county or municipality may deliver
12 to the county clerk a notice that the county or municipality
13 has acquired an interest in the property. The notice shall
14 include the location of the property, the legal description or
15 permanent index number of the property, the county or
16 municipality that acquired an interest in the property, and
17 that if waste is committed or suffered, each person whose acts
18 or omissions caused the waste is jointly and severally liable
19 to the county or municipality for the entire amount of any
20 delinquent taxes owed on the property and the amount of the
21 diminishment of the fair market value of the property. Within 5
22 business days after receipt of the notice, the clerk shall mail
23 the notice to the party in whose name taxes were last assessed,
24 as shown by the most recent tax collector's warrant books.
25 Notice shall be deemed to have been received by the proper
26 party within 2 business days after it is mailed to the proper
27 party by the clerk. In addition, upon receipt of the notice,
28 the proper party must promptly post copies of the notice
29 throughout the premises.

30 (d) The remedies provided under this Section are in
31 addition to any remedies provided under Section 21-80.

32 Section 99. Effective date. This Act takes effect upon
33 becoming law."